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What If “the Next” Happens Without Us?

MARY MEANS

This speech was given at the Forum luncheon at the close of the 2010 National Preservation Conference in Austin.

When I was asked to speak at the annual Forum luncheon, I felt honored and a touch apprehensive. In my three-plus decades of involvement in preservation, which includes more than a decade on the staff of the National Trust, I've developed something of a reputation for having strong opinions and for sometimes criticizing the preservation movement. It is a movement I have helped lead, especially through my early work developing the National Main Street Center and, later on, heritage areas as a form of large-scale preservation. Looking back, a theme runs throughout my professional life: making connections—or as I used to describe the work of my small but mighty planning firm, “building bridges between plans and people.” For it is only through people finding relevance in preservation that the movement will be sustained, not to mention to grow and widen.

And over the last three decades the preservation movement and the National Trust have experienced a lot of change and progress. Though the needed changes have nearly always been difficult to make, great good has come from them. Richard Moe brought major change and, over his nearly two decades as president, transformed the National Trust. Now it is exciting to imagine a woman at the helm!

For our luncheon today, Forum leaders asked me to listen carefully throughout the conference, then bring together key themes and point ahead to “the Next” Preservation. To do so, I’ve attended sessions that seemed particularly relevant for “the Next,” and there have indeed been several threads that ran throughout the conference, beginning with Stephanie Meeks’ opening remarks all the way through to the final plenary session. A major one is the connectedness of it all: We cannot separate preservation from the larger environmental issues of our times—climate change and sustainability; how we live in balance…or don’t. Along with environmental challenges, as a nation we are changing—demographically and socioeconomically. And PreservationNation seeks to adapt.

History has taught us that times of great change are nearly always filled with societal anxiety and stress—a lot of energy is spent on trying to fight the change, to bring back the old and familiar, the milieu in which we were confident, strong, and able to function well. Those whose lives have been less optimistic and who hope for a brighter future ahead grow restless amid the ongoing rise of individual over community good, the patriotic cries for a return to basics,
citing forefathers (never foremothers), hijacking and distorting history through the lens of fear. Just this last year, it was brought to light in Virginia that the state education department–approved textbook for fourth graders, *Our Virginia: Past and Present*, wrongly asserts that “thousands of Southern blacks fought in the Confederate ranks, including two black battalions under the command of Stonewall Jackson.” The author admits most of her research was done on the internet.

We are in such a period of great change, and it has been magnified and given prominence in this mid-term election season. Hundreds of thousands of our fellow citizens have been gathering today on the National Mall in Washington, D.C. [for Jon Stewart's “Rally to Restore Sanity”] and in satellite events in many cities. An odd moment, indeed, as entertainers cross the line into politics, and people so desirous of a change from the present gridlock turn out to be together in shared community.

**FOUNDING ROOTS**

Here in PreservationNation, we rally to share our experiences, our passion for the places near and dear to us, Places That Matter to each of us in our own ways. What draws you to be in a leadership role in preservation? Deeply, personally—what draws you and keeps you? It can’t be a desire for instant gratification, for our victories large and small all take years of struggle and sweat.

My own path to preservation began in childhood in suburban Atlanta, the child of a classical architect who dreamed of the past, who believed the last decent design was done about 1815. As kids we were dragged to countless Tidewater plantations, past dusty shop windows in Savannah and Charleston, past more interesting entryways and barker on Bourbon Street in the French Quarter. As I grew up in the 1950s and ’60s, federal highway and urban renewal programs were getting underway. It’s easy for us sometimes to blame “federal policy” for wreaking havoc with cities. We forget that we reap what we sow and that federal policy isn’t made in isolation: It reflects values of the times. Business leaders and officials in cities across the country were shaking off the burden of the past—the decline of industrial might, the visible reminders of depression and drift. We’d won the war— together. All had pitched in and sacrificed and shared a common sense of purpose. With that confidence we created new ways of living—free of slums and smoke, free of congested streets. We built with confidence.

Except for a few of us. We questioned this path to the future that left the past in remnants in landfills and carved dead zones through once thriving if messy neighborhoods. Intuitively drawn to the beauty of materials well crafted into humanly scaled buildings and streets, we recoiled in horror at the magnitude and pace of the change—the sheer scale of the new seemed not to
relate to people. Not only were buildings being crushed, established communities of several generations were being broken up—the West End in Boston, Treme in New Orleans, Jackson Ward in Richmond, sections of Kansas City and St. Louis.

The modern preservation movement began in earnest in the late 1960s; it tended to be made up of young people and a few venerable elders. It took the naïve determination of youth to be bold in the face of power. And we were. Gradually, often inspired by the loss of a key landmark, citizens became activists, banded together, and formed countless organizations. Legislation was passed that slowed the bulldozers, that brought federal funding for historic building surveys, that created the National Register of Historic Places, and that gave rise to more trained professionals in this new field: historic preservation. Within a decade, we’d mastered tax law and politics and changed the rules to give old buildings a chance in the real estate investment playing field. We’d created standards to guide the rehabilitation of now—today—countless historic buildings.

I was drawn into this preservation movement, the fight to beat back the tides of destruction, to build awareness and understanding in communities rich with architectural heritage. Few if any of us were professionally trained preservationists. But we knew we would not succeed by preaching to the choir. As activists, we knew we needed to forge alliances, to make the case for old buildings with broader audiences—those who saw the world in real estate terms, in business terms—and we did.

My own contributions include a focus on small-town downtowns. It was gratifying to hear Laura Bush’s story of inspiration that took place in a Texas courthouse whose library opened her world. I think my early influence—besides the classical father—started in Fiske Toy Store, on Peachtree Street in Atlanta, where Mr. Fiske patiently treated my siblings and me like real customers as we bargained to combine allowances to buy cap pistols or roller skates. Fiske’s building is no longer there, but that seed likely took root and helped birth the Main Street Project.

“THE NEXT” PRESERVATION COMMUNITY

Fast forward to today, this conference on The Next American City, Next American Landscape. I was honored to be asked to participate, to observe and share thoughts on where we’ve come, what lies ahead. It has been a wonderful four days. Catching up with old friends, reminiscing around war stories, making new friends—seeing the young faces of the preservationists of today and tomorrow. Getting a glimpse of how the movement has broadened, how it has widened and embraced elements I couldn’t have imagined two, three decades ago—just as societal values have also shifted. The faces are no longer just white, the hair no longer just blue, the garb is no longer just Chanel suits or flannel blazers. Rainbow bands are on many nametags, a sign unimaginable to this then-closeted lesbian and the many, many unsung heroes and heroines of preservation who were gay. Think about the role gays have had in preservation: Lacking open access to the mainstream, gays were often the first to rehab in distressed neighborhoods, places no one else wanted.

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Yet at the conference I’ve also been struck by how much of our movement remains the same. Here in the heart of the brown belt—in Hispanic America which was here before Anglo America and which demographers tell us is the future of America—I have seen few people with brown faces, most wearing Diversity Scholar ribbons. I have seen more black faces, but it is troubling to be in an excellent session on “Preservation Strategies in Low-Income Urban Neighborhoods” and find the sparse attendance to be largely people of color. Where are those of us who are white, who need to learn from those who work and live there if we are ever to understand how to broaden our values to be more relevant to others?

A thread that seemed to run throughout the conference is one that is perhaps even more challenging than the federally fueled bulldozer of old. As preservationists, our lens is automatically set to detect the tangible—the place, the building, the object—the visible. Paul Goldberger reminded us at the plenary session of Lewis Mumford’s observation that “in a city time becomes visible.” Yet so much of what we must embrace, understand, and adapt to in the future is not visible, not as obvious as a threat. And it’s not as easily categorized into boxes of National Significance, State Significance, Local Significance, using our tested definitions.

Stephanie Meeks challenged us to make preservation more visible. I agree wholeheartedly, and have been mightily impressed with the breadth of the This Place Matters initiative as an example. More such work is needed and I am confident that it will come. To me, a great plus in Stephanie’s presence at the helm is that she does not come from our movement, thus she is unencumbered by its sometimes inhibiting paradigms. She brings a fresh perspective from the conservation movement, which has been far wider than ours in its popularization and alliance-building.

I was heartened that in her short time here she’s already been to the Lower East Side Tenement Museum, the National Trust Historic Site in New York City, perhaps my favorite among the hundreds of historic sites I have visited here and abroad. It is a place of little architectural beauty, but filled with profoundly moving stories of direct relevance to our own troubled times. It’s a place with far broader branches into our present than those that grew from the Mayflower. At the Tenement Museum the intangible has been made tangible through painstaking historical research and brilliant interpretation, bringing out from the dry pages and inanimate objects the very human voices of people, and the stories of their endurance, sacrifice, and purpose.

I believe it was Charles Buki in Thursday’s general session on “The Next American City” who quoted Maya Angelou: “People will forget what you said, people will forget what you did, but people will never forget how you made them feel.” We
need to touch people’s hearts in big ways, my colleagues. Stephanie rightly spoke of our need for community—a need as primal as food and water. Community that crosses boundaries of past, present, and future; boundaries of color, experience, suffering, and hope. To grow our movement in a country whose demographics are fast changing, we must make relevant and visible neglected truths: not the national myths, but the real stories of America—sometimes valiant, sometimes shameful, but all part of our shared identity, spoken or not.

“THE NEXT” ENVIRONMENTAL CHALLENGES

When I first saw the structure of the conference and the theme of Friday—“The Next American Landscape”—I thought, great: There are many huge issues impacting large-scale landscapes and rural areas. I was surprised to find the focus was more narrow, on the issue of renewable energy infrastructure—wind farms and high-power transmission lines. Yet it was a fascinating exploration of a difficult dilemma that will become more and more important in the decades ahead: balancing the values that frame our carefully crafted and codified preservation movement with the actions required to adapt to potentially catastrophic change—where the evidence so far is largely invisible.

John Bullard, former mayor of New Bedford, Mass., first national director of the Federal Office of Sustainable Development, and now president of the Sea Education Association, spoke of the dilemma posed by the wind farm proposed for Nantucket Sound, fiercely opposed by those who cite the pristine nature of the sound which will be violated by 400-foot wind turbines off shore. Here, the visible—the landscape/seascape beauty of the sound—belie the invisible—the seriously un-pristine condition of the sea itself. And here, climate change is dramatically shifting the delicate balance that has for millennia nurtured the rich ecosystems that enabled human occupation in the first place.

And Rob Nieweg, director of the National Trust’s Southern Field Office, rightly focused on the issues raised by high-power transmission lines. To keep up with the demand for electricity, the industry is proposing to build many more lines, some hundreds of miles in length. With their wide right-of-ways, are they to the preservation movement of the 21st century what the interstate highways were to the 20th? Picture them cutting a 200-foot-wide swath across the land, inevitably altering traditional landscapes, intruding into the consciousness of nearby residents, of those seeking connection to nature or history. Imagine, on Maryland’s Eastern Shore, trying to channel the world of Harriet Tubman and her frightened but courageous followers escaping under cover of darkness…while one stands under a high-power transmission line.

There are no easy yes/no answers to the questions that must be faced if we are as a species to adapt to the unimaginable change that lies ahead. Who among us can forgo our dependence on electricity—for our economy, our modern medical treatment, our daily lives? And can we
conserve and shift human behavior sufficiently quickly to adapt without serious changes in infrastructure?

These questions were amplified for me by a remarkable session entitled “Heritage and Climate Change: Strategies for Adaptation.” It, too, was lightly attended and many people missed this discussion of a vitally important issue. Two National Trust staff members organized it: Anthony Veerkamp, director of programs for the Western Office, and Patrice Frey, the Trust’s sustainability leader. They began with an aerial photo of the hometown of Anthony’s father in the Netherlands, a country of deep heritage with perhaps the world’s longest experience in managing water—the entire country is below sea level. Yet it took the great flood of 1953, when some 2,000 people lost their lives in one horrific night, for the Dutch to unite in the extraordinary effort that has led to hardening the country against rising tides.

Climate change is taking place all around us. Slowly like the frog in a pot, we are being heated to the boiling point. Documentation is clear—photos show the heart-wrenching loss of glaciers, of coastal Alaskan native villages, and we’ve experienced Hurricane Katrina and several decades of increasingly wilder wildfires raging in the West. Perhaps because the threat is so all-encompassing, so overwhelming, we in the heritage business have done little to even think about the consequences or to do any anticipatory planning.

New Orleans and Louisiana offer valuable lessons to Charleston, New York, Boston, and river towns in the Midwest—and some of the current experience is alarming. Consider this: FEMA provides $750 million to Louisiana to elevate houses. Some 38,000 homeowners, a fourth of whom have historic houses, have applied. Amazingly, each house requires a separate Section 106 filing. As if that isn’t absurd enough, does elevating them constitute an adverse impact? Or should Hurricane Katrina (and soon climate change) be considered a historic event and the elevation itself evidence of it? You guessed it: adverse impact. The waters rise... while we remain trapped in denial.

I learned that only a handful of local governments are addressing climate change and rising sea levels, and the effect on cultural resources. New York’s PlanNYC calls for an adaptation task force, and has an eight-step process for approaching this daunting problem. Maryland (a state with an enormous shoreline) is ahead of nearly all in terms of assessing impact on heritage sites. At the federal level, the Department of Defense was cited as the pacesetter in doing exhaustive studies of the potential impact on its enormous inventory of historic structures. We need to take this issue very seriously.

Preservation has played an unsung role in sustainability: We helped keep the center of cities from falling into further decay. We in the preservation movement can be proud of the role we have had in saving the hearts of Main Streets, reclaiming neighborhoods in the cores of cities—the places that because they are now walkable urbane places are communities where many, many people, young and old, want to live...and to which they are returning. This is good for climate change and the environment, and it is good for us to live in

WE NEED to learn the language, values, and methods of other movements and to do this with openness to changing our own established practices and paradigms.

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compact, energy-efficient walkable places. This trend is a great start for the 21st century, though we cannot rest on our laurels. The very popularity of “living within walking distance” will bring greater investment in older urban cores, but it will also put pressure on to increase height limits and zone for higher density. Will we be able to see the legitimacy of the case for change?

**“THE NEXT” WAY FORWARD**
The challenges of the Now and the Next involve the need to adapt. We need to learn the language, values, and methods of other movements and to do this with openness to changing our own established practices and paradigms. Are the Secretary of the Interior’s Standards for Rehabilitation sacred when it comes to helping lower-income communities save and maintain their Places that Matter? Can we work with others to change building forms and codes to allow dense housing near public transit to be more accessible to those seeking to age in place? Can we work with others to forge alliances to tackle effectively the daunting challenges of climate change and the end of cheap fuel, and not just be the people who say “no”?

Michael Dobbins, in his new book *Urban Design and People*, credits our movement for providing some of the first sets of rules for “enhancing the character of vital or promising urban places.” Yet after citing the good we have done, he cautions that our practices, particularly the Secretary of the Interior’s Standards, “the guiding federal bible for administration of the movement, approval of districts, and eligibility of incentives like tax credits, tend to create an ‘either-or’ framework.” He cautions that this “either-or” character can spill into “a kind of ‘them and us’ dynamic where the preservationists are the righteous and legitimate questioners are the unwashed.” Grains of truth? I think so.

We know we need to step back and assess where we are going in a century already dramatically different from how things were even a decade ago. We sense that change is necessary, if painful to navigate. Remember, the Next is going to happen—with or without us. Can our biggest minds, our most respected and trusted preservation leaders, be harnessed in the service of helping us develop and embrace new paradigms that will serve preservation well in this radically different 21st century? Can we have the confidence to let go of some of our familiar rules and rationales and accept the new, the Next?

We must, and I believe we can. I hope you do too, and that you will return to your community, your network of colleagues, even your adversaries across the table with a new, fresher sense of what is at stake.

We who are part of this movement deeply love a sense of place. Most of us also are in it because we sense that people long for a sense of community, to be connected with others in the public realm that is the heart of our cities, our towns and villages. Never have we more needed common ground—figuratively even more so than literally. Yet we have a lot of pieces to bring back together in a world of fragmented, privatized, and isolated interests. Preservation can play an important role in helping return to the basics of place as common ground. To do so, we must examine honestly how strongly we hold on to the ways we fought the last wars, versus the new kinds of wars ahead—where the challenges are far more subtle and far less tangible than a federal bulldozer. FJ

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Enforcement Methods for Local Historic Preservation Ordinances

BENJAMIN BACCASH

While many communities still battle to establish some form of preservation legislation, other locales are working to enhance their enforcement of existing laws. By doing so they hope to further strengthen their protection over their community’s already-designated historic resources.

Historic preservation has been declared a worthwhile cause that is in the best interest of society. Over the past half century, historic preservation ordinances have been upheld not only by the U.S. Supreme Court, but also by the growing numbers of citizens who relentlessly lobby on behalf of historic preservation goals. Now firmly established, historic preservation laws are an integral part of land-use regulation. But to ensure that local preservation laws are respected and upheld, they must be steadfastly enforced.

This article, with a focus on practices in New York City and Washington, D.C., examines some ways to enforce preservation ordinances that are not commonly practiced yet, but that have the potential to be very effective.

EMPOWER CITIZEN WATCHDOGS

Local preservation authorities may vary in size and specific duties but they are almost universally under-funded. The majority of their meager budgets are allocated for permit review and surveying, leaving little to no funds for enforcement. One way to greatly supplement the enforcement capability of a local preservation authority is to involve the public. Accordingly, an effective system must be in place to allow citizens to file complaints of suspected unpermitted work.

In New York City, for example, complaints can be filed with the Landmarks Preservation Commission (LPC) by calling 311, a hotline for all city-related inquiries and complaints, or by completing and mailing in a downloadable form. To engage the public more effectively, such systems could be improved to enable citizens to file their complaints electronically, via either e-mail or a web-based interface. This could also allow complainants to track the progress of their complaint, further involving them in local preservation efforts.

E-mail and web-based complaint-filing should be viewed as a minimum standard. In an article entitled “Phone + GPS + Camera = Revolution” published in Governing Magazine (March, 2010), Stephen Goldsmith, director of the Innovations in American Government Program at the Harvard Kennedy School and now deputy mayor for operations at the Harvard Kennedy School and now deputy mayor for operations in New York City, explains the great
potential of smartphones to help governments serve citizens. Goldsmith describes how Boston “deployed a free iPhone app that allows citizens to use their phone’s built-in camera and GPS system to take a photo of urban blights such as potholes, graffiti, and trash, and report them directly to City Hall.” Goldsmith states, “Instead of inching its way through City Hall, critical information heads straight [from the citizen with a smartphone] to a public works crew.” Goldsmith continues, “The free app...means Boston instantly has more eyes to spot and report problems.” There is no reason why this type of technology could not be applied to the enforcement of preservation ordinances.

Whatever complaint-filing methods are in place in your particular city or town, they must be adequately publicized. A vigilant public is only able to fully complement the preservation agency if citizens know what they can and should do. A well-publicized, clear, easily utilized, and technologically up-to-date complaint-filing system provides the means for harnessing public support for preservation.

MAINTAIN A STREET PRESENCE
It is also imperative that the regulatory preservation body maintain a street presence. Staff members on street patrol can detect permit violations, deter people from failing to obtain needed permits for planned work, and educate property owners about permitting requirements.

In Washington, D.C., a proactive street presence is maintained and an unofficial monitoring policy is in place. Nancy Metzger of the Capitol Hill Restoration Society, a local preservation advocacy organization, said that there is a definite awareness of preservation ordinance enforcement in D.C. She attributes this, in part, to the fact that D.C. Historic Preservation Office (HPO) Enforcement Officer Toni Cherry wears a badge that identifies her as a “visible policing authority.” Cherry has developed a reputation as a vanguard of preservation law there, badge in hand and siren on dashboard.

It would seem beneficial for both compliance and awareness that all preservation agencies actively maintain a presence in the field, including using badges or uniforms to underscore their authority.

PUBLICIZE VIOLATIONS
Another way to increase awareness and deter violations of preservation regulations is to bring adverse attention to violators. Washington, D.C.’s HPO, for example, posts Stop Work Orders printed in bright colors in highly visible locations on a property that is being altered without the necessary permit(s). In New York City, the LPC issues Stop Work Orders that have the same legal authority as those in D.C., but these are not posted on the building in violation. This difference is key. Though they may carry the same legal power, the Stop Work Order of D.C. also stigmatizes the property owner as a violator—the scarlet letter of preservation.

Adverse publicity not only helps to curb non-compliance, it can also influence the public’s perception of the preservation agency as a serious enforcer of the law. This has the potential to foster compliance for a relatively low cost.

HOLD PROPERTY OWNERS AND PRACTITIONERS RESPONSIBLE
But there will always be non-compliant property owners. Many preservation
commissions around the country are able to penalize these property owners by issuing violation notices and imposing fines that accumulate on a daily basis. Penalizing the property owner, however, may not be the most effective course of action.

There are other culpable individuals involved who should be held responsible. For example, in New York State, licensed contractors are legally required to notify their clients of any necessary permits. While New York City has yet to figure out how to definitively hold contractors responsible for violating the Landmarks Law, the preservation authority of Aspen, Colo., offers a promising approach to this dilemma.

Aspen’s Historic Preservation Commission (HPC) requires a contractor or superintendent to hold a specialty license for work being done on an individually designated property or on a property within a historic district. A specialty license can be earned by passing a test administered by the HPC. Contractors who have earned this license cannot claim ignorance of what is required of them by the law. Even more important, “We can revoke the specialty license and their general contractor’s license,” explained Aspen Historic Preservation Officer Amy Guthrie, “which is a big disincentive for them to do something wrong.”

“The historic preservation licensing program has made a major difference in enforcement,” Guthrie said. It has also provided for an increase in communication between HPC staff and contractors, and subsequently improved the latter’s understanding of the permitting process.

Other local preservation commissions could greatly benefit from adopting similar licensing policies.

**USE A NEGOTIATION PROCESS**

Violation notices and fines are not always effective. Therefore, it is imperative that preservation commissions have in-house counsel to negotiate with non-compliant property owners. When lawyers initiate a negotiation, it sends a strong message to the property owners in violation that legal action may result from their lack of cooperation.

John Weiss, Esq., deputy counsel for the New York City LPC, indicated that although legal action is reserved for the most serious instances of violation, negotiation and the mere threat of legal action can be an effective deterrent.

Weiss also noted that litigation is avoided at almost all costs and only initiated once negotiations have reached an impasse. In other words, if a property owner in violation willingly responds to the requests of the regulator and cooperates, litigation would seem to be both an unnecessary and potentially damaging course of action to the regulator’s resources and its relationship with the regulated. Weiss also noted that “the commission would prefer that the money the owner would have to spend on litigation be spent on saving the buildings.”

While neither the most transparent method of enforcement nor the most
binding, negotiation should not be underestimated. Of course, when negotiation fails, formal legal action is necessary and should be pursued.

**Pursue Demolition-by-Neglect Litigation**

Civil litigation has become an increasingly common and effective means to enforce the Landmarks Law in New York City. Demolition-by-neglect is the most common type of civil suit brought by the LPC against a property owner who fails to maintain his or her property in a state of good repair. Weiss noted that at “any given time the LPC has 45 buildings in various stages of the demolition-by-neglect process.”

In what is perhaps the best-known demolition-by-neglect case in New York City, the court held that the defendant had to restore the property, known historically as the Skidmore House, to a state of good repair. In this case, the property owner, who also owned adjacent land, intended to amass a larger development site by neglecting the landmark property. The ruling, a huge victory for the LPC, quashed this devious plan. This decision is an empowering precedent that should be used to the advantage of preservation agencies around the country in enforcing their landmarks laws.

The LPC has filed several other demolition-by-neglect suits that proved successful. These suits have resulted in court orders to restore the structures at issue to a state of good repair as well as settlements paid to the City of New York of up to $1.1 million. New York City’s vigorous upholding of the Landmarks Law through demolition-by-neglect litigation should serve as an example for local commissions everywhere.

**Seek Injunctions**

Preservation authorities can also seek injunctions from the courts that require a property owner or operator to undo an unlawful condition or cease work on any illegal improvements. For example, in 2000, Sushi Samba 7, a restaurant in the Greenwich Village Historic District of Manhattan, applied for a permit from the New York City LPC to construct an addition atop its one-story building. A permit was issued but Sushi Samba 7 did not follow its terms and indeed far exceeded them, to its economic benefit.

The LPC took administrative enforcement action, which was ignored, and the restaurant attempted to have its as-built addition legalized. The commission denied the application, leading the restaurant to sue the LPC. Realizing it was dealing with a hostile property owner, the LPC sought injunctive relief to obligate the restaurant to remove the unapproved addition while also seeking an award of fines that were accruing at a rate of $5,000 per day. In an article published in *The Villager*, a neighborhood newspaper, Mark Silberman, Esq., general counsel for the LPC, indicated that the collection of fines was intended to offset the profits made by the restaurant in its use of the additional, illegal commercial space. The court ordered the restaurant to comply with the LPC’s demands. Sushi Samba 7 did not and filed an appeal instead.

Eventually, Sushi Samba 7 signed an agreement with the LPC to build an approved rooftop addition in place of its illegal addition and pay a settlement of $500,000 to the City of New York. LPC Chairman Robert Tierney stated, “Our aggressive enforcement of the law has enabled us to preserve the character of many of the city’s buildings and neigh-
It took a lengthy legal battle to get the owners of Sushi Samba 7 restaurant in the Greenwich Village Historic District to replace its unapproved, out-of-scale second-storey addition with this more-appropriate one.
PHOTO BY BENJAMIN BACCASH

borhoods. Our settlement with Sushi Samba 7 underscores that commitment, and should serve as a deterrent to those who would knowingly and intentionally violate the Landmarks Law.” Clearly the pursuit of injunctive relief can be a strategic course of enforcement, especially against recalcitrant property owners.

EXPLORE THE “PRIVATE ATTORNEY GENERAL” OPTION
New York City’s use of its courts to enforce historic preservation is laudable but many locales do not have the resources to act accordingly.

The use of the powers of the Private Attorney General offers a legal mechanism that has been employed to enforce other types of laws, such as anti-trust laws, and has the potential to be effective in enforcing preservation legislation. The Private Attorney General, neither a government employee nor a specific individual, is any member of the public statutorily enabled to have standing in court and authorized to enforce the law.

The Private Attorney General is an independent citizen “who is understood to be suing on behalf of the public, but doing so on his own initiative, with no accountability to the government or the electorate,” as explained by J.A. Rabkin in an article published in Law and Contem-
Environmental laws are enforceable by the Private Attorney General and, according to Rabkin, this method of enforcement has proven to be a “powerful engine of public policy” in that realm.

So could historic preservation ordinances be enforced by the Private Attorney General? While some concerns do exist, the Private Attorney General option holds promise. It ultimately empowers the public to enforce its historic preservation ordinance while reducing the cost of enforcement imposed on already financially strained regulatory agencies. While no locale has yet written a Private Attorney General option into its preservation ordinance, this tool of enforcement has potential and merits further research.

**SUPPLEMENT ENFORCEMENT RESOURCES**

Many of the practices presented here would require additional funds largely absent from the budgets of the cash-strapped local preservation agency. If the budgets of local historic preservation commissions were increased sufficiently to allow for the hiring of additional legal and administrative staff, the protections specified in their preservation statute would be more easily, frequently, and qualitatively provided.

In Washington, D.C., the HPO’s budget may be supplemented by the Historic Landmark-District Protection Fund (HLDP Fund). The HLDP Fund contains amounts appropriated to it, donations or the money resultant from the sale of donated real property, interest earned on its balance, and fines collected as a result of HPO-issued infractions. As a permanent, accumulative financial resource dedicated to supporting the purposes of D.C.’s local preservation legislation, the HLDP Fund, in concept, permits the HPO to rely less on its appropriated budget and have added resources that can be put toward enforcement work. This dedicated fund is reminiscent of the Comprehensive Environmental Response, Compensation, and Liability Act, commonly known as the Superfund, used by the federal Environmental Protection Agency to pay for cleanup projects. A fund like this could be established to supplement the budget of any local preservation commission.

**DETERMINE YOUR BEST APPROACH**

Using a combination of the practices presented in this article will produce a multi-layered enforcement system. While their implementation will undoubtedly improve the protection of resources already designated, perhaps more importantly, future designations will be made more meaningful. Of course, these are general guidelines; before any of these practices or methods are adopted, your community must carefully assess its current enforcement system, determine where there are gaps or deficiencies, then decide on its priorities and best approach.

BENJAMIN BACCASH (M.S. Historic Preservation, Columbia University, 2010) wrote an award-winning graduate thesis entitled “Enforcement and the New York City Landmarks Law: Past, Present, and Future” which served as the basis for this article. Baccash is now a historic preservation researcher, writer, and consultant in New York City and can be reached at bbaccash@gmail.com. For more information visit www.benbaccash.com.
“Habitat for Humanity is only concerned with building new houses.”
“Habitat houses are not compatible with historic neighborhoods.”
“Habitat is not interested in working with preservation groups.”

Sylvia Oberle, executive director of Habitat for Humanity of Forsyth County, located in Winston-Salem, N.C., has heard these criticisms of the international affordable housing builder before. During her presentation at “Re-creating a Historic Habitat,” a session during the 2010 National Preservation Conference in Austin, Tex., she noted, “We recognize...that there has not been the close relationship between Habitat for Humanity and preservation groups... and we’re hoping to change that.” In fact, she already has.

Oberle’s affiliate (Habitat’s term for its chapters) is on the leading edge of the Neighborhood Revitalization Initiative (NRI), a major push by Habitat for Humanity International (HfHI) to provide local affiliates with the tools to become more fully realized community development organizations. In order to reach that goal, Habitat International is encouraging local groups to better align their work with local needs, tailoring interventions for a greater impact than could be achieved with new construction alone.

Although some local affiliates have performed rehabilitation work over the years (the National Trust published *Habitat for Humanity as a Preservation Partner: Four Model Projects* in 1999), the development of the NRI has contributed to an uptick in Habitat rehab projects nationally. Some of these projects have been in older and historic neighborhoods or dealt with existing and historic buildings—often with the partnership of or input from preservation commissions, organizations, and agencies. This trend is likely to continue, and is consonant with the work other organizations such as NeighborWorks and Rebuilding Together.

To recognize those efforts and provide guidance and encouragement to Habitat affiliates interested in doing similar work in their own communities, the National Trust launched the Habitat for Humanity Preservation Toolkit on PreservationNation.org in October 2010. The seven case studies and FAQ section featured in the toolkit cumulatively offer valuable insight to preservationists about the evolving nature of community development work and the role they can play in it. Forsyth Habitat’s recent Cherry Street project introduces one possible solution to a set of urban development problems found
in other cities around the country, and illustrates how the NRI can contribute to neighborhood conservation as part of a larger partnership.

(Read the full Cherry Street case study at www.preservationnation.org/resources/habitat-for-humanity/winston-salem-north-carolina.html.)

CHERRY STREET REVITALIZATION, WINSTON-SALEM, N.C.

Built on the rapid growth of business in the early 20th century, Winston-Salem’s Cherry Street was a thriving African-American neighborhood from the 1930s to 1950s. A diverse collection of housing types and styles, including the Y-stair apartment building, unique to Winston-Salem and designed to meet the high housing demand of the period while fitting neighborhood scale, Cherry Street was listed in the National Register of Historic Places in 2004. This listing was an offshoot of the city’s 2003 redevelopment plan for the larger area, itself an attempt to combat severe problems of vacancy, absentee ownership, physical disrepair, and an open-air drug market that troubled the area.

When Executive Director Sylvia Oberle joined the affiliate in 2006, she quickly became interested in the Cherry Street neighborhood, but neither she nor her organization had experience working in a historic context. Habitat Forsyth had constructed a total of 39 homes in the surrounding area, but wanted to address the Cherry Street “island of disrepair” between downtown and Wake Forest University.

After attending community meetings, Oberle realized that a major intervention would be necessary to generate change on the street. Aware of the historic district, she contacted Michelle McCullough, historic planner for the City of Winston-Salem, to learn more. After a site visit and initial conversations, the two began to formulate a strategy for intervention focused on maintaining affordability, reviving the original streetscape, retaining historic fabric through rehabilitation, and constructing architecturally compatible infill.
Oberle’s affiliate hired an architecture firm experienced in historic rehab work to encapsulate this vision in what became the *North Cherry Street Master Plan* (2009), an unofficial but sympathetic update to the city’s 2003 redevelopment plan.

With the plan complete, Oberle and McCullough took a series of steps to make the plan a reality. Working with the City and the state historic preservation office (SHPO), Habitat acquired houses and vacant lots in the area and constructed 16 Craftsman-style infill homes according to the new plan. The Landmark Group, a private company with experience developing and managing rehabilitated properties, rehabbed four Y-stair apartment units to create 13 units of affordable rental housing. The company worked with Preservation North Carolina to place a conservation easement on the buildings. A local real estate agent agreed to rehabilitate six single-family homes one at a time. Seven noncontributing homes were slated for demolition—to date, only five have been razed. “Instead of losing a whole street to blight, we lost…just five structures,” said McCullough.

Habitat planned to use HUD funds on its share of the project, triggering Section 106 review through the North Carolina SHPO. Oberle and McCullough’s advanced planning paid off: The state approved Habitat’s design guidelines for new construction in the historic district (part of the 2009 neighborhood plan), requiring that the structures to be demolished first be documented, and that the city reevaluate the neighborhood’s National Register eligibility after the project was complete. Oberle and McCullough agreed, and signed a memorandum of agreement with the SHPO.

As of this writing, all 16 of the infill houses are complete and occupied. The Y-stair apartment buildings have been rehabilitated and are being rented. The first...
rehabbed single-family home is occupied and the second rehab is underway. According to Oberle, “Crime and loitering are down noticeably on the street. Families spend time on front porches, children play in yards—none of which took place before.”

Although the Cherry Street revitalization project was innovative for its particular combination of partners, it’s not difficult to understand why it worked. Sylvia Oberle understood that her organization had some of the capacity that it needed to effect positive change on the street; where she knew she needed help, she began planning early and engaged credible partners with like interests and a shared stake in the project’s outcome.

Each contributor played to its strengths: Habitat built homes that fit the neighborhood and found people who wanted to live in them. McCullough advocated for the historic integrity of the neighborhood and worked in the spirit of the City’s existing redevelopment plan. The Landmark Group completed four rehabs according to the Secretary of the Interior’s Standards (and offset costs by earning rehab tax credits).

Notably, Habitat helped strengthen the neighborhood without actually performing rehab work—all of its houses were compatible new builds. The principal difference, then, between this project and the traditional Habitat model was the conscious decision to take a step back, assess the neighborhood’s historic and community contexts, and build a partnership capable of satisfying some of the place’s bigger needs. No single party could have achieved these ends alone.

Cherry Street was neither a preservation nor affordable housing project alone; it was a community development project that employed preservation as a strategy to highlight and conserve the meaning of the district. The meaning is reinforced by ongoing affordability and a diversity of housing types.

**WHY THE NEIGHBORHOOD REVITALIZATION INITIATIVE MATTERS FOR PRESERVATION**

The Cherry Street project suggests why Habitat’s new direction might be an important development for preservation—an opportunity for preservationists to both reflect on the work they do and to reach out in new directions.

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**A CONSCIOUS DECISION [was made] to take a step back, assess the neighborhood’s historic and community contexts, and build a partnership capable of satisfying some of the place’s bigger needs.**

First, and most simply, preservation has an important role to play in community development. Nowhere is this clearer than the Main Street program, which fundamentally understands and values the investment, utility, and social and cultural value wrapped up in the built environment of the American downtown. But for all the success of Main Street, preservation lacks a corollary vehicle for revitalizing the residential neighborhood. Historic districts (and neighborhood conservation districts) are part of the solution, but such designations cannot accomplish this alone.

To those engaged in community development, preservation can provide wisdom about identity and cultural history; about the role of architectural, urban, and neighborhood design; and, not least, about funding streams and technical assistance. Preservation groups that develop partnerships with Habitat affiliates have the opportunity to take the
guesswork out of rehab and revitalization, but also to extend and leverage their own resources more effectively, particularly when they lack capacity for bricks-and-mortar projects or investment in real estate.

Second, despite many notable examples, historic preservation has failed to approach its potential to contribute to affordable housing creation at a national scale or in proportion to available building stock. It is widely documented that historic preservation and affordable housing are often an intuitive, economical, environmentally and culturally sustainable symbiotic pair. But for a variety of reasons, including problems of scale, delivery mechanisms for this special kind of community development cocktail are still maturing.

As Donovan Rypkema pointed out in “Historic Preservation and Affordable Housing: The Missed Connection” (Forum Journal, Spring 2003, Vol. 17 No. 3), “We have to find ways to reinvest so that existing neighborhoods are stabilized.” HUD’s Neighborhood Stabilization Program, created in 2008, puts the force of 3.92 billion federal dollars behind this goal. With federal housing policy coming into closer alignment with the stabilization of existing neighborhoods—and funneling money to local governments—preservation can join Habitat for Humanity in retooling for rehabilitation and community development work. The infrastructure of preservation in this country is built in large measure upon partnerships; here is an under-explored partnership that can provide the preservation network with access to work that it is born to do.

Third, and related, is that Habitat for Humanity is uniquely poised to make an impact on existing and historic neighborhoods. Habitat works through 1,500 affiliates in the U.S. alone, each of them equipped to identify and partner with low-income working families, originate loans, and deploy volunteer construction crews to build and rehabilitate housing. Despite the specialized financial instruments of combinable historic rehab and low-income housing tax credits, affordable housing preservation projects are a relative rarity. This is in part because those tax incentives work best at a large scale, so smaller projects have only isolated appeal. Habitat’s model of using volunteer labor on typically single-family homes helps to break the financial barriers that might otherwise impede small-scale neighborhood intervention, which generates the kind of consistent incremental change that can become cumulatively transformational. Putting “affordable preservation” realistically into play at the neighborhood scale—through Habitat or otherwise—should be a central goal of preservationists’ work.

As an ancillary benefit, this approach compliments preservationists’ efforts to recognize and protect places that are important to local communities but where a lack of high architectural merit can impede traditional preservation methods. Older and historic neighborhoods, many of them modest working-class places, often fall into this category.

HABITAT FOR HUMANITY is uniquely poised to make an impact on existing and historic neighborhoods.

THE ROLE OF THE ECONOMY

Not surprisingly, the economic downturn is having an impact on the way that Habitat groups do business. For several affiliates, it has actually influenced the decision to undertake a preservation project:

In mid-2007, after its new construction pipeline was diminished by the lagging econ-
Habitat for Humanity of Coastal Fairfield County (located in Bridgeport, Conn.) undertook the rehab of a historic seven-unit block of attached Queen Anne rowhouses that had fallen into severe disrepair and was in imminent danger of condemnation and demolition. Working with local and state preservation officials and a large volunteer force over nearly three years, the affiliate developed the building into 12 affordable, handicapped-accessible condominiums and in the process earned $350,000 in state historic homes tax credits, which it sold to offset project costs. The project was cost-competitive with a new build of equivalent size.

In 2007, after having refused as many as two to three donated houses per year, Habitat for Humanity of Greater Louisville (Ky.) undertook its first rehab on a donated, partially burned, structure. Twenty rehabs later, the affiliate continues to accept donations, principally from banks seeking to dispose of properties that have gone into foreclosure. In 2009 Habitat’s rehab of a 100-year-old brick shotgun house, sponsored by Citibank, won a “Top Ten Preservation Successes” award from Preservation Louisville.

In 2010 Habitat for Humanity of Kent County, Mich., located in Grand Rapids, began rehabbing the first of five homes in the Wealthy Heights National Register district, a neighborhood troubled by vacancy and blight. The affiliate acquires properties for rehab through Dwelling Place, a local housing organization, and First Look, a Fannie Mae program that enables potential owner-occupants and organizations such as Habitat to have an advantage in submitting offers on Fannie Mae–owned foreclosed properties. Habitat of Kent County estimates that rehab costs, including full lead and asbestos abatement and LEED certification—which it pursues as a matter of policy on every project—are roughly equivalent to the cost of new construction.
Each of these three stories has three important elements in common. First, economic conditions contributed to a new approach to project selection, and historic neighborhoods (designated or not) were the focus by default.

Second, the affiliates recognized that there was a high cost of inaction: If they didn’t take the project, either something important would be lost or the larger work of the organization would be thwarted, or both.

Third, affiliates saw the rehab projects as the means of stabilizing and improving the communities where they work.

NEW CONSIDERATIONS FOR HABITAT

Added Costs and Time
It is undeniable that preservation imposes real monetary costs on Habitat affiliates—but so does new construction. The more these costs can be understood and anticipated, the more comfort affiliates are likely to have with the process of rehab.

The organization’s financial model is to provide partner families with houses at cost, and to finance them with a zero-percent loan. On rehab projects, as with new builds, the goal is to keep costs to a minimum because expense overruns are ultimately passed on to the family that purchases the home. This is also a reason why rehabs can be challenging for affiliates: The process of building new is characterized by known costs, standard plans, and simple methods. Each rehab, on the other hand, is unique, and it can be difficult to estimate final project costs during early stages due to unanticipated issues that can arise.

Affiliates have different ways of offsetting these costs. They acquire rehab properties as cheaply as possible; secure the volunteer support of architects, engineers, and other subcontractors; become certified in lead abatement themselves; find or train skilled volunteers passionate about preservation; find federal funds; partner with preservation groups; and budget for surprises. When possible, they take advantage of state and federal tax credits.

In Bridgeport, Grand Rapids, and Louisville, each affiliate’s executive director acknowledged during interviews that rehabs are generally cost competitive with new builds. The rehabs take longer, though, and for those that are new to the process, the learning curve for staff and volunteers is steep. Depending on circumstances, there can be additional layers of city and state regulation (design review, Section 106, lead paint abatement), and sometimes outside contractors are required for specialized work (such as repointing masonry).

Prior to rehabbing, affiliates often see these issues as opportunity costs: factors that prevent the largest number of people from being housed in the least amount of time. After completing rehab projects, affiliates often see their achievements as matters of growth and capacity-building for their organizations, and quality-of-life gains for their partner families. This might
mean fewer roofs in equivalent time, but the recognition has grown that maintaining a neighborhood’s cultural landscape also matters greatly: the streets and fences, the neighbors and activity, the occupancy and the affordability, the church, school, and corner store nearby.

**Treatment of Interiors**

Even when cost-saving measures can be taken for rehabs, affiliates often find themselves making the decision to preserve the exterior of a building (perhaps to comply with historic district regulations or a programmatic agreement) while making very different decisions inside. Concentrating their efforts on a building’s exterior at the expense of the interior may be seen by affiliates as a necessary trade-off.

Interior treatment necessarily varies by project and affiliate, but affiliates working with older and historic houses will sometimes strip interiors back to the studs, exposing original framing and removing original features. The reassembled plans are sometimes simplified and resemble interiors in Habitat’s new builds: plain sheetrock walls, simple contemporary kitchens and bathrooms, standard-height ceilings.

Habitat affiliates elect to modify interiors for a number of reasons, ranging from the poor condition of existing structures (water infiltration, mold, termite damage) to the need to clear the way for larger, coordinated and systematic changes (lead and asbestos abatement, HVAC and electric updates, energy star and LEED modifications).

However, the practice of modifying interiors is neither universal nor universally unfriendly to preservation. Habitat of Greater Newburgh, New York, has done a remarkable job of preserving original floor plans, woodwork, floors, and decorative features in addition to meeting the exterior standards set forth by the City’s Architectural Review Commission. In one case, construction volunteers painstakingly refinished a pair of original interior wooden doors by hand, taking pride in the preservation of an original element and preventing the need to invest in an incompatible new one.

For some preservationists, even Newburgh’s approach to interiors might not be enough, but from a public policy standpoint, it’s difficult to ask for anything more. The Architectural Review Commission’s jurisdiction ends at the front door, and only in rare cases does Section 106 come into play. Even then, there may be no review of interior work.

Even though Habitat should be encouraged to accept some level of stewardship obligation for interiors, particularly when acquiring property cheaply from a city (and legislation or covenants requiring this could be explored). But a preservation group in a position to invest in a bricks-and-mortar partnership project should be willing to ask itself how much preservation it expects for the money when other social or economic goals are in play. A major investment in the building’s exterior—what the public actually sees and over which the city has jurisdiction—at least returns a lost property to the tax rolls and makes a major visual (not to mention psychological) impact on the neighborhood.

**Design for Compatible Infill**

As in Winston-Salem, some Habitat affiliates will want to intervene at a larger neighborhood scale by building multiple units of infill housing. A similar process is underway in Newburgh, where the affiliate is redeveloping a vacant area with architecturally compatible attached rowhouses.
In both Winston-Salem and Newburgh, the affiliates worked with local architecture firms to develop context-sensitive infill designs. On Cherry Street, the SHPO approved those designs in the Section 106 review process; in Newburgh, the Architectural Review Commission approved the infill as well.

But not every affiliate will be obligated by historic district design review, and not every affiliate will recognize the importance of design, site plans, neighborhood planning, and design guidelines. In the Weinland Park neighborhood of Columbus, Ohio, Columbus Landmarks (a citywide organization) helped facilitate a dialogue between the community and the local Habitat affiliate, which wanted to construct infill in the area but met with residents’ resistance to standardized plans that they believed wouldn’t blend with existing housing (most of the area was not designated in any way).

Realizing there was a lack of common language between the neighborhood, Habitat affiliate, and architects, Columbus Landmarks began by photographing existing building stock and using the images to help develop a shared concept for improved infill design. After an iterative joint process of improving the plans, the Columbus Foundation (a local philanthropy) donated a per-house stipend to cover final design costs, resulting in six house plans that all parties agree fit into the neighborhood. Habitat is now modeling its approach in other parts of Columbus after the Weinland Park process.

**ACTION STEPS FOR PRESERVATION PARTNERS**

These initial successes have the potential to generate others, and the potential to generate a new culture at Habitat—perhaps with some luck, maybe even a preservation ethic. With the economy and mindset of the NRI pushing affiliates toward rehab work in existing and historic neighborhoods—and with federal dollars often playing a role—this creates several imperatives for preservation.

First, pursuing National Register listing of older and historic neighborhoods should continue to be a priority. The historic rehabilitation tax credits unlocked by listing provide both a major incentive for rehab work (as in Bridgeport) and an assurance that it will meet the Secretary of the Interior’s Standards at the level of the individual building and larger neighborhood.

Second, statewide and local preservation organizations and city planning and preservation departments should be aware of Habitat’s new direction and take the initiative to engage early in projects where preservation could play a role. Critically, some Habitat affiliates may not be aware of the relationship between National Register listing and federal funds (which can come through local channels), particularly in early stages when planning is crucial. This link needs to be clear.

Third, preservationists should be equipped to help Habitat affiliates understand the special role of design in neighborhood conservation, especially in undesignated neighborhoods. If they have the capacity to offer financial and technical assistance in these kinds of commu-
nities, citywide and local preservation groups should look for partnership. For example, in Charleston, S.C., citywide nonprofit Historic Charleston Foundation recently partnered with Charleston Habitat and the City on the rehab of a 100-year-old vernacular home. A programmatic agreement codified treatment of the house, which lay outside of the Old and Historic District. In that three-way partnership, Historic Charleston provided $60,000 from its Neighborhood Impact Initiative to pay the cost of exterior preservation work; as a one-third partner in the project, the organization had discretion over how the money was spent, and served as an advisor to the Habitat construction team throughout. The City of Charleston’s one-third share channeled HUD HOME funds directly to the project.

Fourth, in those cases in which buildings are threatened with demolition or other risks such as abandonment and neglect, city agencies and preservation organizations should consider engaging Habitat for Humanity affiliates as potential developers. As in Bridgeport, Habitat groups may ultimately have the capacity to succeed where others might fail. These projects in Bridgeport, Charleston, Grand Rapids, Louisville, Newburgh, Weinland Park, and Winston-Salem have shown that Habitat isn’t only concerned with building new houses, that Habitat houses can be compatible with historic neighborhoods, and that Habitat can be interested in working with preservation groups. But they cannot do it alone.

In coming years, many of the 1,500 Habitat groups in the U.S. will begin rehabilitation, repair, and weatherization work on existing buildings nationwide. In addition to people, this work will have a lasting impact on bricks, windows, roofs, streets, and neighborhoods. It is critical that preservationists understand the challenges and opportunities that these projects will present, and that they continue to find ways to offer partnership, resources, and guidance in the process. FJ

PEPPER WATKINS is special projects manager for the Partnerships Office at the National Trust for Historic Preservation.

1 See the National Park Service’s Affordable Housing Through Historic Preservation: A Case Study Guide to Combining the Tax Credits; Fannie Mae Foundation’s Historic Preservation and Affordable Housing: Leveraging Old Resources for New Opportunities; and the Bipartisan Millenial Housing Commission, Meeting Our Nation’s Housing Challenges.
Jane Jacobs: Environmental Preservationist

ROBERTA BRANDES GRATZ

Preservationists make good environmentalists; environmentalists do not make good preservationists. Preservationists understand conservation must cover more than buildings; environmentalists often don’t see the same connection. Environmental conservation should include both the natural and built environment, since they are inextricably linked. Upgrading and recycling functional buildings can be the highest form of environmental conservation, green building, or sustainable development.

This is a fundamental lesson of Jane Jacobs and, as an urbanist, this is also what I see. Everything is connected, interdependent, part of a complex web that is not easy to recognize but is, nevertheless, the hallmark of urbanism. Nothing is “siloed.”

Yes, an increase in wind energy would be great; but windmill siting can devastate natural and built landscapes and underwater aquatic life. The roads, the power lines, and the infrastructure needed to connect windmills to the grid can be highly destructive of the natural environment, to say nothing of birds, bats, and fish.

Impacts must be weighed.

Yes, more electric cars and hybrids will help clean the air we breathe, but it won’t do anything to tame traffic, minimize the amount of land devoted to blacktop, limit sprawl, regenerate pedestrian-oriented places, or rebuild communities.

LEED (Leadership in Energy and Environmental Design) is the privately created standard by which the design/build industry rates levels of green construction. However, it can be misleading. A LEED gold-rated Wal-Mart is still environmentally destructive because of its siting in a greenfield and its car dependency. In fact, a green Wal-Mart is an oxymoron.

New energy-saving green buildings, with all the latest technology bells and whistles, are the current fad of new construction. But the new is valued at the expense of the often still-functional old. The value calculation for the new should be measured by a formula that gives appropriate value to what is being lost. It is hypocritical to give a developer LEED points for recycling elements from a demolished, highly reusable historic building without taking points away for demolishing that building in the first place. And it is ludicrous to give a comparable number of points for saving a building and installing a bike rack.

These are the kind of connections made when the “web thinking” of Jane Jacobs is applied. The kind of observation Jacobs encouraged was to understand how cities actually work—no theories, no ideologies, no fixed assumptions. Observation reveals
the inextricable connections. Nothing is one-dimensional. Again, nothing is siloed.

Public discourse sometimes recognizes that embodied energy of standing structures exists. But where is the calculation of its loss? How do you weigh the energy-consuming production of new materials against the energy-saving conservation of old ones? How do you measure the negative environmental consequences of innumerable truck trips for removal of debris? How do you measure the ballooning content of landfills? How do you measure the loss of materials, some of which are no longer available, like wood from old growth forests, the cypress and barge board commonly used in old New Orleans houses, or the horse hair used for insulation in threatened old theaters? How do you measure the need to import material from afar in contrast to greater reliance on local suppliers? And how do you measure the cultural diminishment when the demolished building is an important historic landmark?

ECOTRUST: MODEL STEWARDSHIP

Not all environmentalists make poor preservationists. Some—though not the majority—recognize both the environmental opportunity and the aesthetic appeal of standing old buildings, whether architecturally unique or not. The premier example of this is EcoTrust, whose headquarters building is in Portland, Ore. EcoTrust was founded in 1991 on the principle that good stewardship of the environment goes way beyond cutting our dependency on foreign oil. In fact, EcoTrust was founded to pursue a new type of economic development—conservation-based development—that recognizes the kind of connections Jacobs made between nature, community, and what she called “reliable prosperity.” EcoTrust created new business models inspired by nature itself, integrating social, economic, and conservation principles. It established the first environmental bank and started an ecosystem investment fund. The headquarters building is a veritable gathering place for conservation-minded programs and includes private and non-profit environmental-based tenants. Jane was an enthusiastic supporter of EcoTrust, a rare case in which she agreed to serve on a board. I had the privilege of touring the building with Jane in 2004, not long after it opened. It could not have pleased her more.

What I observed pleased me as well. I am a passionate historic preservationist, but I recognize that some grand old buildings—certainly not all—can be enhanced in the hands of a skillful contemporary architect, particularly an environmentally committed one.

EcoTrust converted an ordinary 1895 Portland warehouse into a model “green” building, preserving much of the exterior and interior elements while inserting innovative energy and water saving systems, recycling or reclaiming 98 percent of its construction waste, and earning the first LEED gold rating for a restoration. This conversion would probably not have qualified for preservation tax credits based on the Secretary of the Interior’s Standards for historic buildings, but many old buildings don’t warrant slavish restorations. Conversely, many historic landmarks should not be subjected to this kind of overhaul, respectful as it may be of their original character. Some landmarks are indeed too important for details to be lost; however, it should certainly be recognized that most standing buildings, whether historic landmarks or not, have a head start in converting to a green structure compared to any newly built ones. Landmark treasures, such as Abraham Lincoln’s ancestral home or
the Empire State Building, usually can be environmentally upgraded.

**ELDRIDGE STREET SYNAGOGUE: CONSERVATION AND LOCALISM**

Another great example is the award-winning restoration of the 1887 Eldridge Street Synagogue, the largest restoration in New York City of a historic landmark that is not affiliated with an institution, government agency, or private development. It is a green building at a higher standard than LEED yet acknowledges.

Conservation, localism, and recycling are essential to true green building and sustainable development. The Eldridge Street Synagogue is a star example. The whole city, not just the building, benefited economically, socially, and culturally from the restoration in both temporary and permanent ways. The synagogue now functions both as a continuing place of worship and distinctly as the Museum at Eldridge Street.

The localism aspect is, in many ways, the most interesting and least understood benefit of historic preservation. For the synagogue, three high-skill New York City firms—one in DUMBO (Down Under the Manhattan Bridge Overpass), one in Staten Island, one in Williamsburg, Brooklyn—restored the 66 stained glass windows. A Williamsburg firm with 10 to 14 Brooklyn employees restored the 237 intricately detailed brass fixtures and 75-bulb chandelier. A Manhattan-based firm used 45 of their mostly Brooklyn-based skilled artisans to conserve and restore the exquisitely detailed interior paint work. A Brooklyn salvage firm provided replacement timbers from demolished buildings. One Long Island City woodworking firm restored the 154 benches and another restored wood window frames and doors. And that is just the start.

The attic insulation is recycled blue jeans. The bathroom stall partitions are recycled plastic milk jugs, and the sink countertops are made with recycled glass, mostly soda and beer bottles reprocessed at the Brooklyn Navy Yard. Virtually every material element found in the deteriorated building remains, a fundamental goal from the start of this rescue effort in 1986, when water was pouring through the roof, pigeons nested in the ceiling, and dust was so thick on the pews that initials could be left clear as day. Elements that couldn’t be restored were replaced in kind with recycled material.

**A VIBRANT MIX OF OLD AND NEW**

As a rule, 60 to 70 percent of rehabilitation costs go to labor and the rest to materials, many of which can come from nearby salvage. That ratio is reversed for new construction.

When Jane fought the Lower Manhattan Expressway that would have wiped out Little Italy, Chinatown, and what is now SoHo, she understood not only the destructive environmental, social, and economic consequences the plan would bring to the city, but also the positive environmental, social, and economic consequences of allowing the existing district to reinvent itself. The positive results both in conservation and historic preservation terms are beyond measure.

This was back in the 1960s, and she also made the inextricable link that

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**THE ESSENTIAL TRUTH is that preservation is the first and most fundamental step of green building and good environmental stewardship.**

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This was back in the 1960s, and she also made the inextricable link that

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**THE ESSENTIAL TRUTH is that preservation is the first and most fundamental step of green building and good environmental stewardship.**

Brooklyn employees restored the 237 intricately detailed brass fixtures and 75-bulb chandelier. A Manhattan-based firm used 45 of their mostly Brooklyn-based skilled artisans to conserve and restore the exquisitely detailed interior paint work. A Brooklyn salvage firm provided replacement timbers from demolished buildings. One Long Island City woodworking firm restored the 154 benches and another restored wood window frames and doors. And that is just the start.

The attic insulation is recycled blue jeans. The bathroom stall partitions are recycled plastic milk jugs, and the sink countertops are made with recycled glass, mostly soda and beer bottles reprocessed at the Brooklyn Navy Yard. Virtually every material element found in the deteriorated building remains, a fundamental goal from the start of this rescue effort in 1986, when water was pouring through the roof, pigeons nested in the ceiling, and dust was so thick on the pews that initials could be left clear as day. Elements that couldn’t be restored were replaced in kind with recycled material.
the health of everything in the built and natural environment starts with transportation. It was the car-comes-first era, a mindset she criticized from the beginning. At the heart of all her advocacy for walkable, vibrant streets was the fundamental need for the critical infrastructure element of a viable transit system. As usual, she was ahead of the times.

The essential truth is that preservation is the first and most fundamental step of green building and good environmental stewardship, even if not recognized as such in the LEED rating system. In the Jane Jacobs lexicon, it was that and more. Preservation is essential to a vibrant, economically viable, stable, and diverse city. The Jacobs’ quote “Old ideas can sometimes use new buildings. New ideas must use old buildings” is well known. But consider what she said leading up to that quote:

Cities need old buildings so badly it is probably impossible for vigorous streets and districts to grow without them. By old buildings I mean not museum-piece old buildings, not old buildings in an excellent and expensive state of rehabilitation—although these make fine ingredients—but also a good lot of plain, ordinary, low-value old buildings, including some rundown old buildings... If a city has only new buildings, the enterprises that can exist there are automatically limited to those that can support the high costs of new construction.

She then observes the uses that are made of new and old buildings:

Chain stores, chain restaurants and banks go into new construction. But neighborhood bars, foreign restaurants and pawn shops go into older buildings... Well subsidized opera and art museums often go into new buildings. But the unformalized feeders of the arts—studios, galleries, stores for musical instruments and art supplies, backrooms where the low earning power of a seat and a table can absorb uneconomic discussions—these go into old buildings...

As for really new ideas of any kind—no matter how ultimately profitable or otherwise successful some of them might prove to be—there is no leeway...
for such chancy trial, error and experimentation in the high-overhead economy of new construction. 

*Old ideas can sometimes use new buildings. New ideas must use old buildings.* (Jacobs 1961, 187-188; italics added)

This doesn’t mean she was against new buildings; she just understood way ahead of most people that most kinds of old buildings are flexible and adaptable for new uses. Years ago, when Westbeth [artists’ housing in New York City] was still new, I remember her marveling at the creative conversion of the old Bell Labs into an artists’ cooperative combining live/work, exhibition and communal spaces. She admired Richard Meier’s design: “The building spoke to him,” she observed.

The place for new buildings, she argued, was alongside, in between, or (where appropriate) in place of old buildings, what she called “infill.” She saw new buildings as the latest layer of an organic, evolving city; however, this presupposed that the existing area was not wiped away. “Adaptations, ameliorations and densifications,”—that was what made for a healthy changing urban fabric.

**DIVERSITY AND “ORGANIZED COMPLEXITY”**

Her words here reflect another basic Jacobs’ tenet: the essential need for diversity. Diversity in Jacobs’ terms, it must be noted, is not the same as “mixed-use” in planners’ and developers’ terms. An all-new development with the so-called mix of uses that includes residential, commercial, and retail falls into the category Jane refers to as “economically too limited—and therefore functionally too
limited to be lively, interesting and convenient. Flourishing diversity anywhere in a city means the mingling of high-yield, middling-yield, low-yield and no-yield enterprises” (1961, 188).

Today this is heresy in cities that worship new development in the mistaken belief that it will work as an urban regenerator. True new economic development follows organic regeneration; it does not cause it. Real estate development follows economic development; it does not cause it.

The diversity Jane considered so critical cannot be achieved in newly manufactured communities or districts. She had little patience for highly touted, newly minted so-called “new traditional places,” whether billed as transit-oriented, pedestrian-oriented, or mixed-use oriented, especially when such districts were inserted like a patch in city areas where authentic urban fabric still survived nearby. These new inserts too often did not reflect the organized complexity of an organically evolved place.

“There is no use wishing it were a simpler problem or trying to make it a simpler problem,” she wrote, “because in real life it is not a simple problem.” Instead, what is called for must reflect or help organically encourage the organized complexity she identified as the essence of a city. The kind of infill buildings she valued fit comfortably within existing scale and reflected a variety of types developed by and for a variety of small and large users, enabling a “multiplicity of choices and complexities of cross-use.” Thus was possible genuine diversity that marked an authentic urban place.

Interestingly, Jane writes in Death and Life that “zoning for diversity” cannot be achieved in newly manufactured communities or districts.

preservation law, even though New York’s was a few years away when she wrote it:

Zoning for diversity must be thought of differently from the usual zoning for conformity, but like all zoning, it is suppressive. One form of zoning for diversity is already familiar in certain city districts: controls against demolition of historically valuable buildings. Already different from their surroundings, these are zoned to stay different from them. (Jacobs 1961, 252-253)

She notes that a slightly advanced development of this concept was proposed by Greenwich Village civic groups for their area and adapted by the city in 1959. Height limits were drastically reduced, making sure that “lower buildings remaining could not be further replaced by excessive duplication of the more valuable high buildings.” And, she added, “Again sameness was zoned out—or, in effect, differences zoned in—even though in a most limited fashion and on relatively few streets.” The city’s landmarks law followed six years later and Greenwich Village was the second designated historic district.

**THE DIVERSITY**

Jane considered so critical cannot be achieved in newly manufactured communities or districts.

As I see it, the most important chapter in any of Jane’s books is the last one in Death and Life, titled “The kind of problem a city is.” In it, Jane presents the underpinnings of her web thinking, an understanding of “cities as problems in organized complexity—organisms that are replete with unexamined, but obviously intricately interconnected, and surely understandable, relationships.”
She draws here on the work of Dr. Warren Weaver, former vice president of the Rockefeller Foundation. Weaver argued that the history of scientific thought could be understood in three stages. In the first one—from 17th to 19th century—science dealt with problems of simplicity, in which two variables are directly related to each other in their behavior. During this time, from theories of light, sound, heat, and electricity came the telephone, radio, car, plane, movies, turbines, and other improvements.

The second stage was the ability to deal with problems of disorganized complexity with billions of variables. This highly mathematically based development led to probability techniques and statistical approaches to understanding problems. Here one could ponder the behavior of atoms and billiard balls, heredity or thermodynamics. In effect, this is modern physics.

However, Dr. Weaver observed that not all problems could be approached in either of these two ways, particularly in the field of life sciences such as biology and medicine. “Much more important than the mere number of variables is the fact that these variables are all inter-related,” Jane quotes Weaver. Since the essential feature of these problems is a form of organization, he labeled these problems “organized complexity.”

As Jane quotes him: “What makes an evening primrose open when it does? Why does salt water fail to satisfy thirst?” All these questions or problems involve many factors to be studied simultaneously, but they are not problems “to which statistical methods hold the key. They are all problems which involve dealing simultaneously with a sizable number of factors which are interrelated into an organic whole.”

The distinction between disorganized and organized complexity is very significant in the Jacobs’ canon. Disorganized complexity is the chaotic jumble of things none of which makes sense or relates to any other. Organized complexity may still look like chaos to the less aware observer, but careful scrutiny reveals a logic to the complex mix. The connections among elements add up to a form of organization, the fabric of a place. “Order exists beneath the chaos,” Jane said. These connections are lost when an area is “cleaned up,” “renewed,” cleared and redeveloped, rather than strategically repaired. Social, economic, and physical connections are the assets to be built upon, improved, and added to a process I call “urban husbandry” in my two books, *The Living City: Thinking Small in a Big Way* (1994) and *Cities Back From the Edge: New Life for Downtown* (1998).

We have Jane to thank for persuasively demonstrating that urban challenges cannot be approached in an effective way unless they are examined through the organized complexity lens—through interrelationships, interdependencies, organic connections. This goes to the heart of her criticism of the silos of city planning, transportation planning, project development, and housing planning, all of which rest too much on a kind of thinking in which organized complexity is unac-
knowledged. In the same vein, preservation and environmental conservation are inextricably linked.

Web thinking is the core of what Jacobs is about. Thinking this way does not permit one to look at the environment ignoring the intricate connections to the built world, nor to look at the physical, social, or economic world without considering the environment.

THE ENVIRONMENT AND THE ECONOMY
In her fifth book, The Nature of Economies, Jane points to the inextricable connections between the environment and the economy. “If we stop focusing on things,” she writes, “and shift attention to the processes that generate the things, distinctions between nature and economy blur” (2000, 9). Here again balance, environmental impacts, social values, and physical consequences all come into play, as they had done in her earlier, probably most significant work, The Economy of Cities.

“Development is an open ended process, which creates complexity and diversity” and “operates as a web of interdependent co-developments” (2000, 17, 19). Thinning the city as urban densification planning policies have done for decades and still do, she noted, also thins the earth’s resources—a criticism of urban sprawl dating from before the term was popularly used.

As I see it, the re-densification of cities is the critical issue of the 21st-century. The advance of sustainable development depends on it. The housing of low- and middle-income people depends on it. The strengthening of the national economy from the ground up depends on it. And, of course, the improvement of the natural environment depends on it. But that densification needs to follow Jacobs’ principles, not with high-rise barracks for the rich or poor but with “ameliorations and adaptations,” along with new additions appropriately fitting in and in scale with what exists.

Each of Jane’s books underscores the connectivity of everything and the processes that tie everything together. The Nature of Economies is particularly interesting because the title could easily be turned around to The Economies of Nature. Economies, she illustrates, like nature, function according to complex processes that cannot be reduced to convenient dogmas, theories, or statistical abstracts. Like cities and nature, observation reveals the essential clues to those processes.

Fundamentally, everything Jane writes is about economy. Not the economy, but economy in its broader sense of thrift and value, economy of resources—whether natural or man-made. In her web thinking, everything is connected in a holistic way into the interrelated system that is economy. In this way, Jane provided the bridge between the two concepts of preservation and environmentalism: each is really about economy. The building of each on the other is a logical and natural imperative.

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Recognizing and Protecting America’s Public Murals

WILL SHANK

The murals of the United States are an undervalued resource in American communities. Interior murals have a long and respected history in the United States (think of the Apotheosis of Washington inside the U.S. Capitol Rotunda dome, for instance, or the works of Pierre Puvis de Chavannes and John Singer Sargent in the Boston Public Library). But American cities and towns have tended to shy away from exterior murals, perhaps concerned that their size and the unpredictability of how they will age out-of-doors will make them too hard to maintain over time.

But America does have a legacy of both indoor and outdoor murals that is only just now being recognized. The genesis for these murals has run the gamut during the 20th and 21st centuries from government sponsorships to corporate and private commissions to spontaneous use of an unclaimed wall. Many cities have mural programs as a part of their cultural affairs endeavors. And a large percentage of America’s painted walls, particularly in disadvantaged urban areas, are community or individual efforts, painted with or without the permission of the owner of the wall. Because there has not been suitable recognition of these works and the social role they have played in their communities, many have been destroyed outright or shamefully neglected—a trend that will only accelerate unless action is taken.

ANCIENT PRECEDENTS TO MEXICAN MASTERS

The use of an architectural surface as the support for a man-made image is certainly not a new phenomenon. Since there have been walls, there have been messages and pictures inscribed into them or painted upon them. From Pompeiians advertising their businesses—or their opinions—to the manufacturers of cell phones and laptops illustrating their products, many societies, communities, and individuals have found the exterior wall a useful, and always handy, place to state their business for passersby to consider.

Getting organized around the business of exterior mural painting is, however, a relatively recent phenomenon. Beginning in Mexico with Los Tres Grandes (Diego Rivera, José Clemente Orozco, and David Alfaro Siqueiros) in the first half of the 20th century, murals began to find their place in the annals of both art and social histories.

Interior, buon fresco mural painting (in which the pigments are incorporated into
the wet plaster of the wall) has a longstand-
ing tradition, and its technology has been
well understood for many centuries, but
the question of how to apply paint to an
exterior wall has historically posed greater
challenges for artists. Fifteenth-century
fresco artists who painted on the outside
walls of churches or on unprotected loca-
tions in cloisters could come to regret that
choice during their own lifetimes, which
could outlast that of their paintings. Only
the paint on the underside or interior
ceilings that was applied by the ancient
Mayans to their stone buildings tends to
remain intact today. The sun, the wind, and
the rain are not kind to a fragile layer of
paint clinging to the wall of a building, even
if the pigments are imbedded in the plaster
of a true fresco. The glass *tesserae* of mosa-
ics can survive for centuries in these harsh
conditions; paintings generally do not.

The Mexican muralists of the first half
of the 20th century tried to overcome this
inherent difficulty in expressing themselves
on outdoor walls. Their experiments led
to the development of plastic paints that
had more staying power.

**1930S SOCIAL REALISM**
The mural movement came north of the
border in the 1930s and 1940s, thanks
in great part to the charisma and large
personal presence of Rivera himself, who
created major fresco cycles for the City
Club, the World Expo, and elsewhere in
San Francisco; for the Detroit Institute of
Art; and most famously, the controversial
and eventually destroyed Rockefeller
Center commission in which he included
an unapproved image of Lenin, to the

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*We Are Not A Minority*, created in 1978 by Mario
Torero and El Congreso de Artistas Cosmicos de
las Americas de San Diego, is a tribute to Latin
American revolutionary Che Guevara. It is located
at Estrada Courts on East Olympic Boulevard and
South Lorena Street in Los Angeles.

PHOTO BY LESLIE RAINER
horror of his patrons. Orozco also worked in the United States from 1927 to 1934, and his American work had an effect upon both Jackson Pollock and Philip Guston, who saw it in person, as well as many others. Siqueiros worked in Los Angeles in the 1930s and ran a New York workshop, which Pollock attended in 1936.

Many artists working under the Work Projects Administration (WPA, originally the Works Progress Administration) Federal Art Project subsequently jumped onto the fresco bandwagon, leaving their legacy in post offices around the country (most of these funded through the Section of Fine Arts of the Treasury Department). They also graced such prime locations as the interior of San Francisco’s Coit Tower and building interiors and exteriors of the 1939 New York World’s Fair. The WPA supported more than 5,000 artists nationwide, including painters of the stature of Thomas Hart Benton, Ben Shahn, Stuart Davis, and Burgoyne Diller, who ran the WPAs ambitious New York chapter.

As murals moved northward from Mexico, some of the technique was lost in translation. The rather complex, time-consuming, and time-sensitive medium of true fresco, which was facilitated by the existence of workshops full of assistants during the Italian Renaissance, was deemed too complex, expensive, and impractical by many WPA muralists. Some of them chose instead to use “tempera,” a generic term for water-based paints, whose matte appearance resembled that of true fresco. In addition, in order to work in the studio rather than on site, canvases were sometimes painted in one place and then adhered to a wall in another. As such, they might not technically be considered “murals” in the sense of a painting upon a wall, but their appearance was intended to simulate that of a true mural painting.

The content of the works of these “social realist” artists was intended to glorify the worker, and later the war effort. But by the 1950s, the complacent post-war years, the angry murals had all but disappeared. There is an anecdote, probably true, that the San Francisco Art Institute considered painting over its own Rivera, the monumental The Making of a Fresco, but reason prevailed; and it is true that a curtain shielded it from the eyes of the abstract expressionism–loving art world until figurative art returned to favor.

1960s REINVENTION

By the 1960s, however, Rivera and company had become heroes to a new genera-
tion of activists, who took up the paintbrush to leave their large WE ARE HERE messages on the walls of American cities from Chicago to Los Angeles. But to an even greater extent than in the case of the 1940s artists who chose to imitate, rather than to replicate, the tried-and-true methods of the fresco artists of the past, what was missing was the technology. Chronically short on funds, the 1960s muralists tended to grab whatever paint was at hand and cheaply available, and to create their large messages on any accepting wall—with, or often without, the permission of the owners of that wall. Ironically, true fresco, which had been the chosen medium of leftist social expression in Mexico, was now considered precious and elitist; no one was teaching it, and no one was learning it.

There followed an explosion of community mural-making. From William Walker’s groundbreaking Wall of Respect (1967) in Chicago, which is generally acknowledged as the birthplace of the national movement of a “people’s art,” to the Latino communities of Los Angeles and San Francisco, walls bloomed in the 1960s with freshly painted, exuberant expressions of their communities’ passions and anger. If the artists lacked a unified theme or philosophy, they shared a means of expression: using the largest possible spaces that they could find to paint, so that all the world could see their messages.

In the frenzy of large public expressions of left-wing solidarity and discontent with the status quo, conflicts between murals and architecture began to arise. Muralists sometimes found the need to organize themselves into painting ghettos such as Balmy Alley in San Francisco’s Mission district, where they were given free reign by the local property owners to cover the fences, gates, and garage doors with their bright, bold visual statements. But considerations of posterity for these outdoor paintings were not foremost in the thoughts of the muralists. Not only did building owners who had allowed the works to be painted frequently fail to give the murals the respect that they deserved, but the paints themselves sometimes rebelled and acted in unexpected ways, frequently fading and peeling until they became mere suggestions of the artist’s original intent. Not all paints made for easel paintings age well in the open air and direct sunlight.

In the meantime, muralists kept painting on whatever wall they could find with whatever paint they had, and the conflicts grew as building owners bought and sold properties that sometimes came with a work of art on their wall that was either not to their taste, or in line with their politics, or within their budget to maintain. Murals were painted over. This being America, conflicts were resolved with lawsuits. Building owners who failed to maintain the paintings on their walls became the enemy and found themselves as defendants in several legal cases involving disappearing murals.

Paintings faded and peeled off garage doors and wooden gates. Mural artists, unlike painters of easel paintings, got little respect. Ray Patlan, one of the creators of San Francisco’s Balmy Alley and many other important murals, noted, speak-
ing of the pervasive sense of art-school rejection: “Murals were thought of as trashy and gauche. The bias I encountered was cultural, racist, and against social engagement.” (quoted in Annice Jacoby, ed., Street Art San Francisco, New York: Abrams, 2009. p. 65)

ACKNOWLEDGMENT AND PROTECTION
A key acknowledgment of the mural movement as a significant artistic and social achievement finally arrived with the symposium “The Mural in the Americas,” which took place at the Getty Conservation Institute and the Getty Research Institute in 2003. There the points of view of social historians, art historians, muralists, conservators, arts attorneys, paint chemists, and managers of public art programs were all given equal weight in an effort to find common ground, and to work together to reduce the conflicts inherent in the painting of an image on a wall that is visible to the general public. While acknowledging the sometimes-adversarial points of view, the goal was then, and continues to be, to encourage communities to embrace existing murals and to facilitate the creation of more of them. One of the most shocking statistics that the assembled group learned, and that was a prime call to action, was that there were no significant murals left from the 1960s, and those from the 1970s were fast disappearing.

An initiative called Rescue Public Murals grew out of that symposium. Since 2006 it has been managed by Heritage Preservation, a nonprofit organization in Washington, D.C., whose success with the Save Outdoor Sculpture! (S.O.S.!) program served as inspiration for the mural advocates. With a national committee of advisors which includes muralists, conservators, art historians, and public art professionals, Rescue Public Murals has created a database of individuals and organizations interested in the plight of mural paintings in America, focusing on exterior contemporary murals specifically.

The organization is also creating, with ARTstor, a database of U.S. public murals, and creating public access to those data. Rescue Public Murals co-chair Dr. Timothy W. Drescher explains the extent of its grasp:

While RPM is limited to exterior works, ARTstor’s digital archive is not, and it includes a number of interior murals. But both sorts are included because of their being generated with some relation to the surrounding community, and, given that criterion, nearly any mural can be included. In some cases, preparatory drawings are included, and in a few, process shots indicating especially the different stages a wall went through from blank to fully muralized. For the most part, school, children’s, and religious works are excluded (too many, and also because they are specialized subgenres).

The goal is first of all to provide a record of what has been painted (although some other media are included, such as the occasional
mosaic) on walls across the country. Inclusiveness is second, with no expectation of completeness, with the exceptions of a few artists. Some spray-can work is included, but mostly narrative pieces, excluding tags, wild style, and egocentric pieces. Because the necessary work for inclusion is so much less than for preserving a building, ARTstor’s database can more easily be inclusive. Besides, very few murals are ever “saved.” At best, all that is possible is a life extension for another two or three decades. ARTstor merely archives the image on the wall, not the mural itself.

A “best practices” page on the Heritage Preservation website advises muralists and arts managers about the latest developments in painting technology, which we continue to research in an effort to help artists create longer-lasting murals. Conservation scientists at the Getty Conservation Institute and the University of Delaware/Winterthur Program in Art Conservation are working along parallel lines to further our understanding of the behavior of outdoor paints.

Rescue Public Murals is also funding the restoration of important murals across the country as financial support is secured. Working from a list of “Highly Endangered Murals,” we have thus far assessed more than a dozen paintings nationwide, working in teams that include a conservator, artist (or artist’s representative), and community members. Getting the broadest possible opinions about the creation of the mural, the nature of its deterioration, and the community’s and the artist’s desire to intervene has been an innovative approach to nontraditional conservation challenges. All stakeholders feel a sense of ownership around the preservation process when they are included in the decision-making.

Our first, highly successful, project was the conservation of Eve Cockcroft’s extremely important work in Harlem, Homage to Seurat: La Grande Jatte in Harlem. Painted in 1986 by Cockcroft and community members, it had faded and peeled to an extent that it no longer represented the artist’s vision, and many locals were not aware of its importance, or even of its presence. Working with the late artist’s representatives from the New York Art Makers, conservator Harriet Irgang Walden helped to re-create Cockcroft’s palette and instruct the artists and community helpers on how to use the paints for the restoration. The painting has again become a source of community pride on many levels. The work was funded by the Friends of Heritage Preservation. Rescue Public Murals has also been the grateful recipient of funding from the Booth Heritage Foundation, the Wyeth Foundation for American Art, the Getty Foundation, and the National Endowment for the Arts.

The efforts of our organization complement the important work of such urban success stories as Philadelphia’s Mural Arts...
Program, San Francisco’s Precita Eyes, the Chicago Public Art Group, and the very ambitious and active SPARC (Social and Public Art Resource Center) in Los Angeles, as well as work by many other cities that have inventoried and maintained their own painted walls for many years.

Several smaller communities use organized programs to support the creation of murals in order to promote their own unique histories and contributions to society, and to teach students, tourists, and passersby about history…and about murals. These community advocates, from Lake Placid (“Town of Murals”), Fla., to Lindsay, Calif., have organized themselves into a nationwide network of supporters and promoters of murals, with the aid of regional organizations such as CALPAMS (California Public Art and Mural Society) and many others who hold symposia and meetings of muralists and mural supporters alike.

Communities with public art programs have met the unique challenges of preserving their murals individually or by consulting with each other. The City of Santa Monica, Calif., for instance, created a policy of revisiting its commissioned murals after a certain number of years in order to agree, with the artist, the community, and the city art commission, about how to proceed with repainting, restoring, or starting over with a painted wall that may or may not still be legible after baking in the Southern California sun.

The Regional Arts and Culture Council of Portland, Ore., has come up with a solution to one of the most frequent conflicts between mural artists and cities. It addressed head-on a misguided definition of “signs” (whose numbers are usually limited by city ordinances) as opposed to “murals” (whose presence is ideally encouraged by arts advocates) after a long, circuitous struggle during which that definition had changed, effectively prohibiting the creation of any new murals in Portland. The council’s vibrant Public Arts Mural Program is now up and running again, with the use of easements well established for walls containing murals. Portland’s experience serves as a prototype for heading off such legal conflicts.

**MAJOR CONSIDERATIONS**

What are the most important considerations for those of us who work together to preserve existing murals and to encourage the creation of new murals? Chief among them is a conviction that communities and individual property owners must buy into the idea of murals as community assets and support mural programs, individual commissions, and plans to preserve the paintings on their walls. Secondly, there is the shared understanding that a preservation plan can take many forms, from traditional conservation of the original materials to repainting in imitation of the original to starting over. The key to success is that everyone must find a way to agree before any intervention takes place.

The question of “value” is difficult to apply to a painting on an immovable wall. Murals, generally speaking, cannot be bought and sold, unless they were originally created to be freestanding or otherwise separable from their walls.

**THERE IS THE SHARED understanding that a preservation plan can take many forms, from traditional conservation of the original materials to repainting in imitation of the original to starting over.**
Value in this case comes rather from the importance of the wall painting to the various constituencies whose lives it is a part of. These shareholders would be the muralist(s), the person or entity that commissioned the mural (if any) the original community that found the mural appropriate, and the current community that now lives with the mural (which may be grossly altered from the one that existed, say, 30 years earlier).

Considerations of aesthetic quality tend to take a back seat to a mural’s relevance to social history, although, of course, appearance is always an issue. Because of the sheer volume and scale of walls paintings, priorities must be assigned. Not every mural painted by the local grade school is necessarily a candidate for preservation. Relevance to its community is also a measure for differentiating true public art from vandalism. A public awareness process is key to identifying existing murals and thus to aid in determining what is most worth saving.

American murals have long graced the walls of their communities, speaking silently of the struggles, the passions, and the dreams of the people who live there. Together we can embrace them and ensure that they live long into the future. FJ

WILL SHANK, co-founder and co-chair of Rescue Public Murals (www.heritagepreservation.org/RPM/index.html), is an independent conservator of modern and contemporary art and former head of conservation at the San Francisco Museum of Modern Art. He presented a talk on community murals at the 2010 National Preservation Conference in Austin. Shank lives in Barcelona.
What do a former post office in Connecticut, school in Oregon, and church in Pennsylvania have in common? They are all historic buildings currently reused as brewpubs. From my general observations in traveling to nearly 500 American brewpubs and microbreweries, at least 60 percent of brewpub and microbrewery operations nationwide involve the adaptive use of an existing building. This number is closer to 75 percent for those located in the Midwest and Northeast. The rapid expansion of these businesses has had a major impact on improving commercial downtowns, and is a plus for historic preservation.

A FAST-GROWING INDUSTRY
In 1872 there were 4,131 breweries in America, a record never since surpassed (Wells, 81). Most Americans lived within ten miles of a brewery, a statistic that is close to becoming a reality yet again.

By 1983 brewpubs were illegal in America, largely due to legislators protecting the interests of national breweries, wholesalers, and distributors. Many forward-thinking small business owners worked to change these laws over the next decade, and ultimately most state governments understood the economic benefits of allowing craft brewing establishments. Nearly 200 new breweries opened between May 1993 and October 1994, and the volume of craft beer produced in the United States doubled between 1990 and 1994 (Ogle, 320).

It is estimated that the current number of breweries in the United States in 2010 is now more than 1,600—the most there have been for at least the past 130 years. According to the United States Brewers Association, 98 percent of these are small, independent craft breweries. When these smaller craft breweries serve food and enter into the restaurant business, they are known as brewpubs.

As defined by the United States Brewers Association, a craft brewer has an annual production of less than 2 million barrels of beer. Furthermore, the brewer brews to enhance rather than lighten flavor, is innovative in beer styles, and is not controlled by the financial interests of larger breweries. This definition puts craft brewers among those small businesses that are the backbone of the American economy, and it describes a business that typically employs a substantial and steady number of individuals from the local community. Microbreweries and brewpubs are the primary segments of craft brewing, with contract...
Brewers and regional breweries also making up a portion of this market.

A recent article reported: “The craft beer industry continues to be the fastest-growing segment in the entire U.S. alcohol beverage industry, despite a dismal economic climate. The evidence is that the craft brewing industry saw a 10.1 percent increase in dollar sales from 2007 to 2008, and a 5 percent growth in the first half of 2009.” (Barnes) The craft beer industry is succeeding, despite being in direct competition with some of the world’s largest corporations.

**ADAPTIVE USE**

Brewpubs, microbreweries with tasting rooms, and other craft brewers overwhelmingly locate their operations in distinctive older buildings. One reason is because brewpubs and microbreweries require lots of space, and that makes them perfectly suited to certain types of older buildings. McMenamins in Portland, Ore., Wynkoop in Denver, Triple Rock in Berkeley, Cal., and Goose Island in Chicago were just a few of the more forward-thinking, preservation-minded companies that saw a clear business model for success in the mid to late 1980s in adaptively using historic buildings for brewpubs—and that is still repeated today.

A seven-barrel brewery system is the basic standard for most brewpubs, and requires between 1,000 to 1,500 square feet. Given an average of 100 seats, 2,500 square feet is a bare minimum for most craft breweries that are also brewpubs—preferably double this amount is needed. Such operations typically can be accommodated in downtown brick commercial buildings or distinctive resource types such as former depots, hotels, or industrial manufacturing buildings.

In a brewpub, the fermentation tanks are often showcased behind a glass window at the front of the restaurant or on a second floor. Interior requirements often mean removal of walls to allow for open spaces, especially for brewpubs with a restaurant seating component. Exteriors typically have intact facades, some with fairly significant architectural details and ornamental features.

Many properties are listed in the National Register of Historic Places, and others are within listed districts. Rehabilitation of these resources may not always follow the Secretary of the Interior’s Standards for Rehabilitation of Historic Buildings, but they do make use of larger, commonly brick, buildings that are otherwise underutilized or abandoned.

For example, in 2009 there were approximately 70 brewpubs or microbreweries operating in the state of Wisconsin. Of these, roughly 20 percent were located in buildings listed in the National Register of Historic Places, primarily in downtown locations within historic districts. These include the Angry Minnow in Hayward in Wisconsin.
the former office of the North Wisconsin Lumber Company, the Potosi brewpub in the former Potosi Brewery, the Silver Creek Brewpub in the Cedarburg Mill, and Titletown Brewing in the former Chicago and Northwestern Railroad Passenger Depot. Some 60 percent were in buildings that were more than 50 years old but not National Register listed, such as the Viking Brewery, which is located in a former Ford automobile showroom in the rural Wisconsin town of Dallas, and Sand Creek Brewing, which re-uses a former brewery building in Black River Falls. Former uses of this particular building ranged from raising turkeys to producing land mines.

If the brewpub also has a successful microbrewery component, much more space is needed for a bottling operation, and increasingly these operations are found at a separate location. The explosive growth of Dogfish Head Brewery of Delaware is one

Adaptive Use Examples Abound!

Here is just a small sampling of notable brewpubs across the country housed in historic buildings.

**Willimantic Brewing Company** in Willimantic, Conn., occupies the 1909 granite and limestone post office building downtown. The pub area was formerly the customer lobby, the private dining room was the postmaster’s office, and the brewery is located in the former post office work room.

The **Church Brew Works** is in the former St. John the Baptist Church in Pittsburough. The brew house is located on the altar. To those making beer pilgrimages here, it truly is a religious experience. Extensive interior fixtures were maintained, including wooden church pews for seating.

The **Haverhill Brewing Company** is in a former shoe manufacturing building in the heart of the downtown district of Haverhill, Mass., which was once dominated by this industry. The **Blue Heron** brewpub in downtown Marshfield, Wis., is an adaptive use of a former ice cream factory; the building is an important reminder on the dairy heritage of the community.

The **Fox River Brewing Company** chain, also in Wisconsin, includes a location on the Fox River in the former Vulcan Hydroelectric Power Plant.

**The Granary** in Farmington, Maine; **Fire Station 1** in Silver Spring, Md.; and the **Brewpub at America’s Historic Roundhouse** in Aurora, Ill., are among many examples of brewpubs whose names showcase the building they adaptively use.
example of this. Five years ago it main-
tained its original brewpub along the main
street of Rehoboth Beach and relocated bot-
tling operations to a former tomato canning
factory in historic Milton.

The growing interest in “green” and
“sustainable” brewery operations has
dramatically increased in recent years,
and many microbreweries highlight the
“green” aspects of their reuse of an existing
building. Lakefront Brewery in Milwaukee,
located in a former power plant, received a
Travel Green Tourism certification in 2007,
and other states have similar award pro-
grams that have honored local brewpubs
and microbreweries for their green practices
including reuse of an existing building.

CATALYSTS FOR REVITALIZATION

For the historic commercial main streets
throughout America, brewpubs can gener-
ate substantial interest in a once-vacant
downtown. This can then lead to further
redevelopment of neighboring properties,
and success often comes quickly in these
areas of larger cities.

The Lower Downtown Historic District
was formed by an act of the Denver City
Council in 1988, the same year Wynkoop
Brewing opened in a historic building in
this district, leading to explosive economic
growth in this area of the city. Other
partnerships with local investors to open
brewpubs in historic buildings spread to
a dozen additional locations throughout
the county, led by Wynkoop Brewing’s
John Hickenlooper (now the governor of
Colorado). The National Trust for Historic
Preservation presented this effort with a
Preservation Honor Award in 1997.

The Bricktown Brewery in Oklahoma
City opened in 1992, and is an example of
an operation that took a successful invest-
ment chance in a part of a community
largely abandoned but ripe for redevelop-
ment. In 1996 Court Avenue Brewing in Des
Moines became a catalyst for the additional
revitalization in the now main entertainment
district of this city. The B.O.B. (Big Old
Building) was a century-old 70,000-square-
foot grocery warehouse that stood vacant
for decades in downtown Grand Rapids,
until its conversion in the 1990s into a
brewery that is now major nightlife center.

The Main Street program in West Bend,
Wisc., actively sought a brewpub for its
downtown. Having done a recent market
analysis locally and using market research
conducted by Wisconsin Main Street in
2005, it was able to convince a couple
looking to open a sports bar downtown that
a microbrewery would be a better invest-
ment. Located in a downtown building that
was previously slated for demolition, the
Riverside Brewery had to increase its staff
significantly shortly after opening due to
demand and continued interest.

BREWPUBS AS
COMMUNITY CENTERS

Brewpubs can be considered as “third
places,” a community space that is neither
work nor home, providing a preferred
experience sought by the “creative class.” It
is not surprising that cities and towns that
attract this “creative class” also have a large
microbrewery concentration. Unlike coffee
shops, brewpubs attract both local and those
patrons who will go out of their way to find
these establishments. Customers value the
atmosphere of the brewpub as much as the
opportunity to try a different type of beer.

It is important to note, too, that the
flexibility and independent nature of local
brewing operations enable them to take
an active role in community life, through
philanthropy, volunteerism, and sponsorship
of events.
For those brewpubs that are open for lunch and dinner, the hours between 2 and 5 p.m. can typically be low in traffic. One solution has been the use of “mug clubs.” Local patrons pay an amount each year to be a mug club member and receive their own personalized drinking vessel stored at the brewpub. They then typically receive reduced prices for beer, larger amounts, and other special incentives during this time period. During these hours, the bar area might be filled with a mix of retirees, self-employed people, and those with nontraditional work hours, as well as those just traveling through town. Perhaps the greatest evidence of this business success is that most mug clubs currently have a waiting list, and limit membership to those who live within the community.

The McMenamins chain of brewpubs based in the Pacific Northwest make an effort to offer community activities along with food and drink. To expand their appeal beyond meal times, McMenamins brewpubs host live concerts, trivia games, and community meetings in the evenings.

The Walldorff Brewpub & Bistro in Hastings, Mich., is a good example of a brewpub that functions as a community anchor in a smaller town. A three-story brick commercial building, built in 1868 on the most prominent corner in the downtown, it has served nearly two dozen uses and gone through numerous renovations until becoming a brewpub in 2006 (earning a local award for the renovation). The owners have turned the third floor into a ballroom that can seat up to 200 people, which is used regularly for private and public events.

Many other craft beer successes apply this mixed-use concept. For example, the National Historic Landmark depot in Cheyenne, Wyoming.
enne, Wyo., houses a museum and city and private offices as well as a brewpub. In smaller communities, Shipwrecked in Egg Harbor, Wis., and Red Jacket Brewing in Calumet, Mich., are just two examples of brewpubs with overnight lodging options available in their upper floors. Another example is Fitger’s in Duluth, Minn., which includes an inn, retail shops, and multiple restaurants along with a brewpub within an 1885 renovated historic brewery complex.

IT IS RARE TO FIND a local brewer who does not capitalize on local history, geographic locations, and even specific historic buildings.

Most brewpubs also capitalize upon and highlight their location in historic downtowns. Just one example is the Downtown Grill & Brewery in Knoxville, Tenn., which is housed in a former furniture store. This site isn’t far from a good beer bar known as the Preservation Pub in another historic building.

Several breweries have even created specialty beers for specific preservation projects. Terrapin Beer Company’s effort to support the historic Georgia Theatre in Athens after it was damaged in a fire is one recent example. In 2010 the company released four specific specialty beers with a portion of the proceeds donated to the Georgia Trust for Historic Preservation’s fund to rebuild the Georgia Theatre. To make things even more interesting, there is one Golden Ticket hidden among each of the Georgia Theatre Sessions brews. This means that four lucky winners will receive a lifetime pass to the restored theater. A beer in support of preservation efforts at Fort McHenry in Baltimore is another past effort.

A SENSE OF PLACE

Remember when the Cuyahoga River in Cleveland caught on fire? They have a beer for that: the Burning River Pale Ale by Great Lakes Brewing Company. Who founded the town of Weed, Calif.? Abner Weed of course, highlighted in the Abner Weed Amber Ale by Mt. Shasta Brewing Company. Fan of dark beers? How about the Quapaw Quarter Porter from Vino’s, named after this historic district in Little Rock, Ark.

It is rare to find a local brewer who does not capitalize on local history, geographic locations, and even specific historic buildings. Writing on the history of beer in America, author Amy Mittelman notes: “The new generation of brewers emphasizes its connection to place and community even more than taste. They stake a claim to authenticity via their roots in a specific locale.” Brewpubs tap into that unique sense of place, even one that those from outside the community may not find appealing. There certainly is a pride of place with Rust Belt Brewing, located in the former B&O Station in Youngstown, Ohio.

HERITAGE TOURISM

Alcohol tourism (or “alcotourism”) is not new to many regions of the country that already have substantial vineyards and wine operations—or the famous whiskey and bourbon trails in Tennessee and Kentucky. Beer tourism, however, is a relatively newer phenomenon; the states of New Hampshire, Delaware, Oregon, and others have created travel programs and trails based solely on alcohol, especially beer.
Numerous Main Street programs now offer beer festivals and similar promotional partnerships to showcase their downtown areas. These events are always sold out, with a majority of attendees typically coming from outside the community. Many state beer festivals are also held annually at historic sites, Alabama’s at the Sloss Furnaces National Historic Landmark in Birmingham and New Jersey’s aboard the Battleship New Jersey in Camden are just two examples.  

The total economic impact of the beer industry on Oregon’s economy was last calculated to be $2.33 billion; this includes those traveling to and through the state strictly for the purpose of seeking craft beer experiences (Oregon Brewers Guild). To the joy of the beer traveler, many beer-related locations are within a few historic city blocks of each other as well. Portland, Maine; Portland, Ore.; Asheville, N.C.; Burlington, Vt.; and Boulder, Colo. are some locations seen as a “beer mecca.” It is not surprising that local tourism efforts now aggressively market these specialty brews. It is also interesting to note that these cities are all Dozen Distinctive Destinations recognized by the National Trust for Historic Preservation.

**SOME HURDLES**

While the majority of states have rid themselves of restrictive legislation that limited the profitability and even existence of brewpubs and microbreweries in the past two decades, “dry” counties still exist in many parts of the country.

Of course, the federal government has a long history of taxation on alcohol. And in these economically challenging times, some local governments may also see new or increased taxes on alcohol as a revenue source. As just one example, in Atlanta, Ga., the city council passed higher license fees for bars, clubs, restaurants, brewpubs, and anybody else who serves alcohol. Those that spoke out against the measure specifically noted the role brewpubs play in providing a unique experience and sense of place that benefit the city.

Yet such a growing industry will not be deterred by these restrictive measures. Success in craft brewing and historic preservation go together hand in hand—just make sure that hand is holding a mug of locally brewed beer.

**TREN'T MARGRIF** is the cultural resource & outreach specialist for Appalachian State University (home of the first educational nonprofit microbrewery in the country). As the former director of the Wisconsin Field Office of the National Trust for Historic Preservation, he conducted much of his research in the field after work hours.


Proceeds from the sales of Cuvée de Cliveden, a special brewing collaboration between the Cliveden Brewers and Earth, Bread, and Brewery in Mt. Airy, Pa., will benefit new educational programs at Cliveden, a National Trust Historic Site, to address history and racial equality.
Forum Journal

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The National Trust for Historic Preservation is concerned about the responsible stewardship of the environment and has published this journal on Chorus Art Silk paper which is 50% recycled with 30% post consumer fiber. It is manufactured with non-polluting, wind generated energy and is FSC certified and supported by the Rainforest Alliance.
On the cover: A well known landmark in Philadelphia, Pa., Common Threads by muralist Meg Saligman depicts high school students from the area being contrasted with figures from the past.

Photo by Joyce Hill Stoner